

**Minutes
Study Session
City Council/Redevelopment Agency
City of Huntington Beach**

Tuesday, September 4, 2007
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audiotape of the 4:00 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk and are archived at
www.surfcity-hb.org**

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:30 p.m., in Room B-8 due to a lack of quorum.

Call to Order

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:34 p.m., in Room B-8 of the Huntington Beach Civic Center.

Present: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy.
Absent: None.

(Councilmember Hardy arrived at 4:41 p.m.)

The City Clerk Announced No Late Communications

Public Comments — None

**(City Council/Redevelopment Agency) Study Session Held — Fire Department
Emergency Response Standards**

City Administrator Penelope Culbreth-Graft gave an introductory overview of the Strategic Plan discussions previously held with Council related to City Services and the adequacy of facilities for the Fire Department. In conjunction with the Strategic Plan, the long-term needs for facilities and staffing were identified and she called on Fire Chief Duane Olson to give a PowerPoint report on the City's current fire station locations and Emergency Response Standards.

Fire Chief Olson gave a PowerPoint report that included: Emergency Response Standards and Fire Department Incident Response Analyses. Chief Olson described in detail the analyses conducted on proposed fire station relocations and improvements in the Emergency Response Standards. He presented Council with the Department's

short-term recommendations that included modifying existing standards to better reflect response patterns, continuing maintenance on current fire stations with funding from Grants, Enterprise Funds and General Fund, and rebuilding Fire Station 8 at Heil Avenue. He concluded his report by describing long-term recommendations that included adding Fire Station 9, and further evaluating moving Fire Station 7 at Warner Avenue.

Councilmember Hansen questioned the need to lower the Emergency Response Standards and what the City's net effect would be. Chief Olson stated that Response Standards are a reflection of the current data from the medical community that sets forth the criteria.

Councilmember Green stated her preference for the Fire Department to respond to 911 medical calls in the quickest fashion possible under all conditions. She asked for clarification of the status of travel times currently served at the northern part of the City such as Golden West College and Boeing Space Systems. Chief Olson described the Automatic Aid Agreement with the County, which manages responses to incidents that cross city borders, in an effort to reduce response time. Councilmember Green inquired as to expenses allocated for new construction of proposed Fire Station and options to design/build. She inquired as to the potential of the City lowering its costs via a rider by pursuing design/build. She suggested that we contact the Sanitation District and seek the viability of Huntington Beach obtaining a rider similar to that of Stanton's Fire Department.

Council discussion ensued regarding the optimal site for the relocation of Station 7 and the desire to capture data that reflects "population type," in particular, a combined effort to identify the concentrated areas of senior citizen population and the residents who might require repeated Advance Life Support (ALS). Chief Olson identified an excellent city-owned site for the station's relocation, and he will research the possibility of compiling data by "population-type."

Recess to Closed Session - 5:34 p.m. - Approved

Motion by Green, second Cook to recess to Closed Session on the following items. The motion carried by consensus of all present, none absent.

(City Council) Closed Session #1 - Pursuant to Government Code Section 54956.9, the Council shall recess to Closed Session to confer with the City Attorney regarding the following lawsuit: M.M.R. Family LLC, et al. v. City of Huntington Beach; Orange County Superior Court Case No. 06CC07095. This suit challenges the validity of City Ordinance No. 3689, which established minimum relocation benefits in case of a mobile home park closure.

(City Council) Closed Session #2 - Pursuant to Government Code Section 54957.6, the Council shall recess to Closed Session to meet with its designated labor negotiators, Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Vilella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with the following employee organizations: MEO, MEA, HBFA, and Non-Associated.

Reconvene City Council/Redevelopment Agency Meeting — 6:32 p.m.

The City Attorney Reported That No Actions Were Taken By The City Council or Redevelopment Agency In Closed Session That Required A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).

City Council/Redevelopment Agency Roll Call

Present: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy.

Absent: None.

Pledge of Allegiance/Flag Salute — Led by Councilmember Don Hansen

Invocation — Led by Michael Slater of Greater Huntington Beach Interfaith Council

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet.

Communication submitted by Stanley Smalewitz, Director of Economic Development, dated September 4, 2007 and titled, *Late Communication - Downtown BID*.

Communication submitted by Tami Bui of Southern California Edison Company, dated September 4, 2007 titled, *Re: Agenda Item D-3*.

Communication submitted by Ken Small, Chief of Police, a PowerPoint presentation dated September 4, 2007 and titled, *Mandatory Spay, Neuter and Microchip Ordinance*.

Communications submitted by the following individuals stating opinions pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats: Anonymous, Steve Anderson, Erika Brunson, Kym Delisi, Nancy E. Harrison, Joan Miller, Jan Vandersloot, MD, Teddi Alves (2), Eve Bauer, Sandi Cain, Karen Dwerlkotte, Bill Hemby (2), Lyle Roetemeyer, Norm Westwell, Diane Amendola (2), John V. Black, Edward DeMeulle, Carol Hamilton, George Joseph (2), Gail Swanson, Susan Wise, Terri Wishon, Judy Williamson, Michelle Errico, Sandy Genis, and Cathy Cross.

The Following Communications Were Submitted During the Meeting

Communication submitted by Susan Sholar, a Study dated September 4, 2007 and titled, *City of Huntington Beach Issue: Mandatory Spay/Neutering and Microchipping of Dogs and Cats - City Council Hearing September 4, 2007, Compiled by California Federation of Dog Clubs*.

Communication submitted by Kyle Lindo, Marine Safety Chief, a compact disc undated and titled, *H B J G 2007*, a slideshow of the Junior Lifeguard Program for 2007.

Communication submitted by Dean Albright, undated and untitled, pertaining to adopting a mandatory spay, neuter and microchip identification program in Huntington Beach.

Mayor Coerper asked for a Moment of Silence in remembrance of Danny Oates, the 14-year old Huntington Beach resident recently killed in a vehicle/bicycle collision.

Presentation — Mayor Coerper called on Marine Safety Chief Kyle Lindo who described an incident that occurred at the beach involving a junior lifeguard. He distributed a compact disc to Council and staff titled, *H B J G*, a slideshow of the Junior Lifeguard Program for 2007. He introduced Junior Lifeguard Instructor Kristina Eich who called on three Junior Lifeguards who acted quickly to assist Junior Lifeguard Devyn Bisson who was struck in the neck with a surfboard. Mayor Coerper read from the Proclamations presented to Paige Bisson, Kylie Cucinotti and Carley Zylstra. Mayor Coerper thanked them for their heroic efforts and announced that he personally purchased each of the Junior Lifeguards a large swimming bag that would be delivered to Lifeguard Headquarters once received.

Public Comments

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speaker appears at <http://www.surfcity-hb.org/Government/Agendas/>)

Bob Dettloff, representing the Council on Aging, invited the elected officials, City staff and residents to attend the Senior Saturday event scheduled at Pier Plaza on Saturday, September 8, 2007, from 9:00 a.m. - 2:00 p.m. He announced that buses are available for pick up and drop off from City Hall. Seventy-six vendors are anticipated to be onsite and for \$2.00 continental breakfast and/or lunch will be available for seniors. Raffle drawings will be held and prizes will be given. (17:51)

Teddi Alves spoke in opposition to Agenda Item F-2 pertaining to mandatory spay and neuter for dogs and cats. She expressed concern over fees associated with the proposed effort and the intrusion into personal rights of animal owners' families. (19:51)

Tami Bui, Southern California Edison, requested a continuation of Agenda item D-3, pertaining to Wireless Communication Facilities. (22:55)

Dean Albright spoke in opposition to Agenda Item F-2 pertaining to the mandatory spay/neuter and microchipping program for dogs and cats. He discussed historical data on a similar ordinance proposed in the early 1970s and stated his opinion related to the potential liability of supporting this mandate. (23:43)

R. Allen Baylis, Esq., Director of Naturist Action Committee, spoke in support of Ordinance 3778 related to public dressing, and stated his opinion related to the consequences associated with convicted offenders of Ordinance 3773 pertaining to the ban on public nudity. (26:58)

Greg Ferrell, President of Bayshores Homeowner Association, requested the City's assistance in parking enforcement. The three streets in his neighborhood need to be cleared to accommodate the new Trash Pick-up program on Tuesdays. Mayor Coerper asked Mr. Ferrell to complete a Blue Interest Card with the Sergeant of Arms and City Administrator Culbreth-Graft indicated that staff would contact him to discuss his issues. (29:15)

Rusty Rustan, representing Operation Firing for Effect, thanked the Council for its support and for leading the campaign for mandatory healthcare funding for veterans. He stated that he looked forward to the completion of the resolution and reiterated its time sensitivity. (31:31)

Diane Amendola spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She stated her desire to educate, not legislate this mandate. In her opinion, the proposed ordinance would impose high costs for the taxpayers. She referenced the declining population in shelters and interventions for adoptions. (33:25)

Paula Sause spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She referenced high costs associated with a proposed ordinance, breed clubs and home inspections. It is her opinion that the proposed ordinance is not enforceable and she believes working with the community is a better solution. (36:58)

Karen Taylor Riggs, representing the group "Huntington Beach Impeach," spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney. She spoke in opposition to the war in Iraq and requested a resolution of impeachment be placed on the Council agenda. (40:08)

Mort Evans spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. In his opinion, adopting the proposed ordinance would only cover those pet owners who are not responsible for their pets, harming responsible pet owners who already license and care for their animals. (43:26)

Debbie Bent, Member of the Great Dane Club of America and Chairperson for Great Dane Club of California, spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. In her opinion, dogs are euthanized because of the following issues: relocation of owners, landlord issues, maintenance costs, lack of time for pet and inadequate facilities — not overpopulation. (44:58)

Joy DeGruccio spoke in support of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She believes that the proposed mandate would not punish the non-responsible pet owners, and suggested that purebred dogs should not be exempt from this program. (48:48)

Judie Mancuso spoke in support of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. In her

opinion, the proposed program would require responsible behavior of all pet owners and would minimize the devastation of over population. (50:40)

Marie Carriere spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats and urged Council not to support the proposed program. (52:26)

Thomas Lash spoke in support of a resolution to impeach President George W. Bush and Vice-President Dick Cheney. He requested Council place this item on a future agenda and advised Council of the ongoing rallies held before the City Council meetings at 5:00 p.m. (53:00)

Lisa Avery spoke in support of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She stated her work in animal rescue for the past 20 years and she described the benefits for animals associated with adopting the proposed ordinance. (56:46)

Norm "Firecracker" Westwell, spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. In his opinion, the shelters have a declining population and he questioned the timing of the proposed ordinance. He believes the decision to spay and neuter an animal is a personal decision; not within the right of government. (59:56)

Barry Johnson spoke in favor of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. He described what he considered to be the saddened conditions in shelters with unwanted animals caused by careless owners who abandon them after repeated litters. He applauded the City of Santa Cruz for adopting a similar ordinance and reducing its cases of euthanizing pets. (1:03:07)

Susan Sholar, President of California Federation of Dog Clubs, offered its members' expertise to solve issues that come up in Huntington Beach related to pets. She referenced the Study that she distributed to Council that depicts Orange County Animal Services statistical charts, legislative failures, Santa Cruz contradiction of figures, health issues relating to spay/neuter of pets, and a testimony on AB 1634 in Sacramento. She stated her opinion to educate pet owners as opposed to implementing mandatory spay and neuter law. (1:04:55)

Councilmember Carchio asked Ms. Sholar to clarify her reference to the legislature that failed in Fort Worth Texas related to the number of rabies cases. Ms. Sholar responded that the decline in pets licensed and vaccinated caused rabie cases to double. Mayor Pro Tem Cook asked Ms. Sholar if the County data provided identified the number of dogs euthanized that had been spayed and neutered, and Ms. Sholar responded negatively. Mayor Pro Tem Cook then asked Ms. Sholar if her group was opposed to microchipping and Ms. Sholar stated her opinion that microchipping should be a voluntary decision.

Catherine L. DeLuca spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. In her

opinion, responsible pet owners will be targeted and penalized as a result of the proposed program. She believes the program will not reduce the number of pets euthanized. (1:09:47)

Colleen McCammon spoke in support of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She twice served on the Orange County Animal Care Services Advisory Board and Outreach Committee, and she is now the President of Animal Assistance League of Orange County. She described in detail the number of animals she has witnessed euthanized as a result of irresponsible pet owners of overbred animals. She stated her opinion of frustration at the financial burden placed on taxpayers to support these conditions. (1:12:58)

Barbara Schmitzer spoke in favor of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. It is her opinion that this would be the first step in supporting our animals and implementing responsible behavior of pet owners. (1:16:10)

Louise Montgomery, Animal Match Rescue Team, spoke in favor of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She referenced the 9,589 dogs and cats currently euthanized throughout the United States, as indicated by Humane Society of United States (HSUS) statistics, volunteering 20 - 40 hours a week in pet rescue work, she referenced the opposition expressed by the American Kennel Club (AKC) and her opinion of the AKC's overbreeding of dogs as opposed to rescue efforts. She supports the responsibility implicated by the proposed program. (1:18:03)

Lynda Montgomery, Animal Match Rescue Team, spoke in favor of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She referenced the animal overpopulation predicament and the excessive lack of responsibility by pet owners. (19:50)

Sandra Genis spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. In her opinion, population at the shelters has decreased and dogs are held longer before euthanization. (1:21:34)

Karen Chepeka, President of Save our Strays of Huntington Beach, spoke in support of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She referenced similar ordinances passed in other communities throughout the United States, and the diminished number of unwanted strays in shelters as a result. She described fee-waivered programs for residents who cannot afford to pay for spay and neuter services, as well as amortized fees for service based upon the pet owner's ability to pay. (1:24:42)

Councilmember Green asked Ms. Chepeka to identify the process for a resident to contact Save our Strays. Ms. Chepeka directed residents to their website at www.saveourstrays.com.

Donna Alexander spoke in opposition to Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She believes such laws will be followed by responsible pet owners, and not those whom Council is trying to target. (1:27:42)

Sharon Hayhoe, volunteer at the Orange County Animal Care Facility, spoke in favor of Agenda Item F-2 pertaining to adopting a mandatory spay, neuter and microchip identification program for dogs and cats. She stated her opinion that profits are realized by pet owners who are illegally breeding their animals and who do not take long-term responsibility for their pets. She is in favor of lowering taxpayers' costs associated with euthanasia. (1:29:46)

Mayor Coerper announced his intent to pull Agenda Item D-3, the Public Hearing to Consider the Adoption of Zoning Text Amendment (ZTA) 06-08 for Wireless Communication Facilities, as requested by Tami Bui of Southern California Edison Company. City Administrator Culbreth-Graft suggested to open and close the public hearing since it was published, and give Council the opportunity to hear the two public speakers present at meeting.

D-3 (City Council) Public Hearing Continued to Consider the Adoption of Zoning Text Amendment (ZTA) 06-08 for Wireless Communication Facilities.

Applicant: City of Huntington Beach

Request: To amend Chapter 230 of the Zoning and Subdivision Ordinance and Chapters 12 and 17 of the Huntington Beach Municipal Code as they pertain to wireless facilities.

Location: Citywide

Project Planner: Rosemary Medel

NOTICE IS HEREBY GIVEN that Item No. 1 is categorically exempt from the provisions of the California Environmental Quality Act.

NOTICE IS HEREBY GIVEN that Item No. 1 will require a Local Coastal Program Amendment certified by the California Coastal Commission.

ON FILE: A copy of the proposed request is on file in the Planning Department, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on August 30, 2007 (Thursday before the meeting).

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: THE ADOPTION OF ZONING TEXT AMENDMENT (ZTA) 06-08 FOR WIRELESS COMMUNICATION FACILITIES.

Mayor Coerper declared the public hearing open.

The City Clerk announced two public speakers were present pertaining to this public hearing item.

Tami Bui, Southern California Edison, spoke in support of continuing this item.

Leslie Daigle, representing Verizon Wireless, announced Verizon's two objections to the code amendment on wireless facilities: (1) the City imposing a franchise fee based upon the "assumption" that a law may be made authorizing it, and (2) that "wireless" is being singled out as the entity that has to provide undergrounding of utilities in the right-of-way.

A motion was made by Green, second Carchio to continue the public hearing open to the next City Council meeting of Monday, September 17, 2007. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, and Hansen
NOES: None
ABSENT: Hardy out of room.

(City Council) Staff Report in Response to Council Direction of April 10, 2007 to Research the Cost and Other Issues Associated With Adopting a Mandatory Spay, Neuter, and Microchip Identification Program for Dogs and Cats

Communication from the Chief of Police transmitting the following

Statement of Issue: On April 10, 2007, the City Council directed staff to research the cost and other issues associated with adopting a Mandatory Spay, Neuter, and Microchip Identification Ordinance in the City of Huntington Beach. The purpose of such an ordinance would be to reduce uncontrolled breeding of dogs and cats in the City of Huntington Beach. Microchipping would provide a reliable method to identify pets for a successful owner reunification process. Fewer stray and abandoned dogs and cats can improve public safety and reduce the euthanasia of strays picked up in Huntington Beach by the Orange County Animal Care Services (OCACS). Although the primary goal of the ordinance would be to provide a more humane way of managing the City's pet population, the ordinance would also reduce the strain on OCACS resources.

Funding Source: There is no funding source required for the recommended action.

Councilmember Bohr stated his support of the item, and that he had been approached by pet rescue workers within the community that had common goals to have a "No Kill Shelter" in Huntington Beach, and to not contract with the County of Orange for animal control. He toured a successful shelter in the City of Irvine, and has been educated on the logical approach of imposing the proposed ordinance.

Chief of Police Ken Small gave a PowerPoint report that overviewed the staff report material presented to Council on August 20, 2007, including information on Stray/Unwanted Animals, 2006/07 Huntington Beach Animals Euthanized, the proposed ordinance (modeled after the County of Los Angeles), Education and Enforcement by Orange County Animal Care Services, Civil Citation Program, Fiscal Impacts, Other Issues, the Goal of the Ordinance and Recommended Action to Council.

Councilmember Bohr thanked Chief Small for his presentation and addressed a few of the arguments made by this evening's public speakers. He stated his support of the possibility of sharing the costs with surrounding cities that choose to adopt a similar ordinance. He stated his desire for the City of Huntington Beach to show its leadership by adopting the ordinance and implementing a 1-year education process.

Councilmember Green asked for clarification of how to maintain the low cost of a spay and neuter program. Chief Small responded with various options for Council to consider. She inquired as to why police dogs or service dogs were excluded from the ordinance. Chief Small responded that it was determined that police dogs have an intense "play drive," which is channeled into the execution of their job and should not be altered as it may affect that drive. Councilmember Green stated her support of excluding show dogs required to be shown every 12 months. She mentioned the rate of reproduction of rabbits and asked if they could be included in the proposed ordinance.

Councilmember Hansen asked Jennifer Phillips, Director of Orange County Animal Care Services, to approach the podium to answer questions. Councilmember Hansen asked if all enforcement would be handled by Animal Control officers. Chief Small responded that that the Police Department's goal would be for the Animal Control officers to handle the responsibility of enforcement. Ms. Phillips addressed possible cost reductions realized after the program gets underway and also other cities join in this effort. Ms. Phillips talked about the administrative role and the possible education effort. Councilmember Hansen asked how animal control officers would be responsible for enforcing the ordinance and discussed behavioral issues of dogs. Ms. Phillips described the involvement of officers to respond to the calls. Councilmember Hansen stated his opposition to what he believes is an intrusive ordinance.

A motion was made by Hansen, second Hardy to (1) set aside in this next year's budget \$50,000 to work with Save our Strays/Orange County Animal Control for a program that offers either free or discounted spay, neuter and microchipping services, and (2) In the next budget year, bring back data that analyzes reduced licensing, no licensing fees collected and determine if a tiered program with levels of discounts would be applicable.

Mayor Pro Tem Cook voiced her support of microchipping pets and free licensing for spayed and neutered animals.

Discussion ensued amongst Council and representatives from *Orange County Animal Control* and *Save our Strays* regarding potential complications and financial responsibilities of the spay and neuter procedures; the minimum age of animals to undergo the procedure; educational outreach opportunities by Orange County Animal Control; and, the potential for free licensing fees for Huntington Beach spayed and neutered animals.

Councilmember Hardy stated her support for Save Our Strays program to assist people to spay and neuter their pets and to offer a free license program.

A substitute motion was made by Bohr, second Green to direct staff to return with a mandatory spay/neuter, microchip ordinance similar to that of Los Angeles County, with cost allocation in FY 2007/08 not to exceed \$50,000. The first year will emphasize

education versus enforcement. The age of mandatory spay/neutering will be six months (instead of four). Exemption of "competition" animals would be established by one show or competition within a 24-month period versus 12 months. Staff will return in one year with data for a program review and will include the study of spay and neutering of rabbits. The motion carried by the following roll call vote:

AYES: Bohr, Cook, Coerper, and Green
NOES: Carchio, Hansen, and Hardy

(City Council AB 1234 Disclosure Reporting)

City Clerk Flynn announced no reports submitted pursuant to AB 1234.

City Administrator's Report

City Administrator Culbreth-Graft reported difficulties experienced with the video stream of tonight's Council meeting, indicating that the audio stream was working correctly, and that the meeting will be posted on the City's website once the problem is corrected.

City Attorney's Report of Litigation Filed - None.

(City Council/Redevelopment Agency) Public Hearing Held on the Proposed Fiscal Year 2007/2008 City Budget Appropriation of \$330,280,906; Adopted Budget Resolution No. 2007-55; and, Authorized the Professional Services Contract List Included in Fiscal Year 2007/2008 Budget to be Representative of Services Projected to be Utilized by Departments.

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: THE PROPOSED FISCAL YEAR 2007/2008 CITY BUDGET APPROPRIATION OF \$330,280,906.

City Administrator Culbreth-Graft announced that the Budget document is available on the City's website and gave a PowerPoint report that included the Strategic Plan Goals, Vision Statement, Financial Goals, Infrastructure Goals, Land Use and Economic Development Goals, Engaging the Community Goal, and City Services. Council-member Green asked for specification of the proposed Outreach/Energy Coordinator position. Deputy City Administrator-Development Services Paul Emery gave specifications.

Finance Director Dan Villella addressed the 2007/08 Budget Presentation Overview, to include Total Appropriations, Enterprise Funds, Other Funds, General Fund Appropriations, General Fund Revenue, General Fund Appropriations by Department, General Fund Revenue vs. Appropriations, General Fund Operating Budget vs. Operating Expenditures, Key Fund Balance Reserves, General Fund Capital Improvement, Performance Measures, Staffing Levels New Positions, Future Budget Items, and Extraordinary Items General-Fund.

Capital Improvement Programs (CIP) were discussed by Deputy City Administrator — Development Services Emery to include CIP Projects by Funding Source, FY 2007/08 Street Improvements, Safe Routes to School, Traffic Signal Improvements, Concrete /

Tree Petition Streets, Residential Pavement Streets, Water Improvements, Sewer Improvements, Parks and Beaches, Facilities, and Budget Timeline of Proposed Budget for 2007/08.

Councilmember Green spoke in opposition to the proposed Outreach/Energy Coordinator position and Mayor Pro Tem Cook spoke in favor of the position.

Councilmember Bohr discussed the frequency in which the Mayor is expected to travel while representing the City, and spoke in favor of a 10% increase in the line item designated for Council/Mayor travel.

Councilmember Hardy discussed increases under Administration's budget, Intergovernmental Relations line item, for funding trips by the Mayor to Washington, D.C.

A motion was made by Bohr, second Cook to increase the Mayor's travel line item in the budget by 10%. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

Mayor Coerper declared the public hearing open.

City Clerk Flynn announced there were no public speakers present for this item.

There being no further persons present to speak on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmember Green announced for the record that she would be voting "No" on the Budget item because of her opposition to the proposed Outreach/Energy Coordinator position. She stated her support of dedicating those funds to a public safety position.

A motion was made by Hardy, second Hansen to 1) Open the public hearing on the proposed fiscal year 2007/08 City budget appropriation of \$330,280,906 as outlined in the proposed budget document and all revisions contained in the Exhibits of the Budget Resolution, including the sewer service user charge which shall be adjusted to reflect the annual percentage adjustment, 2) Adopt Resolution No. 2007-55, "A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for Fiscal Year 2007/2008," **as amended earlier in this meeting, to increase the Mayor's travel line item in the budget by 10%**, and 3) Authorize the Professional Services Listing included in Fiscal Year 2007/08 Budget to be representative of services projected to be utilized by departments in 2007/08. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Hansen, and Hardy
NOES: Green

(City Council) Public Hearing Held - Adopted Resolution Nos. 2007-58, 2007-59 (as amended to exclude Building Permit Waiver Fee), and 2007-60 Amending the Comprehensive Fee Schedule Including City User Fees, Rates/Charges, and Development Fees

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: THE ADOPTION OF RESOLUTION NOS. 2007-58, 2007-59, and 2007-60 AMENDING THE COMPREHENSIVE FEE SCHEDULE INCLUDING CITY USER FEES, RATES/CHARGES AND DEVELOPMENT FEES

Finance Director Villella gave an oral report.

Councilmember Bohr restated his opposition to waive residential permit fees for remodels as introduced by Councilmember Carchio. Discussion of timeline for this item was expressed and City Attorney McGrath clarified the timeline for implementation.

Mayor Coerper declared the public hearing open.

City Clerk Flynn announced there were no public speakers present for this item.

There being no further persons present to speak on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Hansen, second Bohr to adopt **Resolution No. 2007-58**, "*A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Fee Schedule and Repealing Resolution No. 2005-74 and All Supplemental Resolutions Thereto*," and to adopt **Resolution No. 2007-60**, "*A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Schedule for Charges for Facility Rentals and Recreation Services and Repealing Resolution No. 2005-76 and All Supplemental Resolutions Thereto*." The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

A motion was made by Hansen, second Carchio to adopt Resolution No. 2007-59, "*A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Development Fees Schedule and Repealing Resolution No. 2005-75 and All Supplemental Resolutions Thereto*."

Extended discussion amongst Council was held regarding pros and cons of the 3-month Residential Building Fee Waiver Program.

Councilmember Green called for the question and the call failed by the following roll call vote:

AYES: Carchio, Green, and Hansen
NOES: Bohr, Cook, Coerper, and Hardy

A substitute motion was made by Cook, second Hardy to adopt **Resolution No. 2007-59, as amended, to exclude the 3-month Building Residential Permit Waiver Fee**, "*A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Development Fee Schedule and Repealing Resolution No. 2005-75 and All Supplemental Resolutions Thereto*." The motion carried by the following roll call vote:

AYES: Bohr, Cook, Coerper, and Hardy

NOES: Carchio, Green, and Hansen

Consent Calendar - Items Approved

A motion was made by Green, second Hardy to approve the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy

NOES: None

(City Council/Redevelopment Agency) Approved Minutes - Approved and adopted the Minutes of the City Council/Redevelopment Agency regular meeting of August 20, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved the Huntington Beach Auto Dealers Business Improvement District (BID) Annual Report for FY 2007-2008; Adopted Resolution No. 2007-56, Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District (BID) for FY 2007-2008; and, Directed the City Clerk to Schedule a Public Hearing for October 1, 2007, Notifying Each Business to be Assessed and Provide Public Notification - 1) Approved the Huntington Beach Auto Dealers Business Improvement District Annual Report for FY 2007-2008; and 2) Adopted City Council **Resolution No. 2007-56**, *"A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District for Fiscal Year 2007-2008"*; and, 3) Directed the City Clerk to schedule a public hearing to be held on October 1, 2007, and send copies of the Resolution of Intention and assessment formula to each business to be assessed and publish the same in a newspaper of general circulation as required. Submitted by the Director of Economic Development. **Funding Source:** Revenues and expenses are included in the 2007/08 Huntington Beach Auto Dealers Business Improvement District Budget (Fund 701.)

(City Council) Approved the Huntington Beach Hotel/Motel Business Improvement District (BID) Annual Report for FY 2007-2008; Adopted Resolution No. 2007-57, Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District (BID) for FY 2007-2008; and, Directed the City Clerk to Schedule a Public Hearing for October 1, 2007, Notify Each Business to be Assessed and Provide Public Notification - 1) Approved the Huntington Beach Hotel/Motel Business Improvement District Annual Report for FY 2007-2008; and 2) Adopted City Council **Resolution No. 2007-57**, *"A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for Fiscal Year 2007-2008 Within the Huntington Beach Hotel/Motel Business Improvement District"*; and, 3) Directed the City Clerk to schedule a public hearing to be held on October 1, 2007, and send copies of the Resolution of Intention and assessment formula to each business to be assessed and publish same in a newspaper of general circulation as required. Submitted by the Director of Economic Development. **Funding Source:** Revenues and expenses are included in the 2007/08 Huntington Beach Hotel/Motel Business Improvement District Budget (Fund 709.)

(City Council) Accepted Annual Review of the Flood Management Plan (FMP) for Period Covering July 1, 2006 Through June 30, 2007 and Authorized Submittal to the Federal Emergency Management Agency (FEMA) - Accepted the annual review of the Flood Management Plan as adequate and complete and forward it to FEMA. Submitted by the Director of Planning. Funding Source: Not applicable.

(City Council/Redevelopment Agency) Adopted Resolution 369 of the Redevelopment Agency of the City of Huntington Beach "Amending the Agency Debt Pursuant to the Operative and Cooperation Agreements Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Merged Huntington Beach Project Area and Southeast Coastal Project Area" - Adopted Resolution 369, "A Resolution of the Redevelopment Agency of The City of Huntington Beach Amending The Agency Debt Pursuant To The Operative Agreement Between The City of Huntington Beach and The Redevelopment Agency of The City of Huntington Beach For The Huntington Beach Redevelopment Project, And The Cooperation Agreement Between The City of Huntington Beach and the Redevelopment Agency of The City of Huntington Beach Regarding Certain Capital Improvements Within, or of Benefit to, The Southeast Coastal Redevelopment Project." The debt at September 30, 2007 will be as follows: Merged Project Area \$84,841,925; Southeast Coastal Project Area \$7,334,100; Total Debt: \$92,176,025. Submitted by the Finance Director and the Director of Economic Development /Deputy Executive Director. Funding Source: Not Applicable.

(City Council) Approved the Request to Transfer \$1,523,000 in Savings from the City's Participation in the California Public Employees' Retirement System (CalPERS) Prepayment Program and Deposit the Funds in the City's Retiree Medical Insurance Fund Reducing the City's Unfunded Liability for Other Post Employment Benefits by \$1,523,000 - 1) Approved the transfer of \$1,481,000 of savings in retirement expenditures from the General Fund to the Retiree Medical Insurance Fund; and 2) Approved the transfer of \$42,000 of savings in retirement expenditures from the FireMed Fund to the Retiree Medical Insurance Fund. Submitted by the Finance Director. Funding Source: Savings in retirement expenditures for the General Fund and FireMed Fund for the 2006/2007 fiscal year.

(City Council) Accepted Grant for Violence Against Women Collaboration Program for FY 2007-2008 Between the State of California, Office of Criminal Justice Planning (OCJP) and the City of Huntington Beach; Appropriated \$35,592 to be Fully Reimbursed by Grant Funds; Authorized the Transfer of \$11,864 for the Required City Match; and, Authorized Expenditure of \$47,456 Plus Interest Accrued to Pay for Contract Counseling Services and Operating Costs Related to the Domestic Violence Program - 1) Accepted the Grant between the State of California, Office of Criminal Justice Planning and the City of Huntington Beach; and 2) Approved the appropriation of \$35,592 to be fully reimbursed by the grant from the Office of Criminal Justice Planning; and 3) Authorized the transfer of \$11,864 required City match from the appropriations in the Police Department's 2007/2008 budget; and 4) Authorized the expenditure of funds of \$47,456 plus interest to pay for contract counseling services, and some operating costs related to domestic violence program. Submitted by the Chief of Police. Funding Source: A 25% City match of \$11,864 is required which has been included in the Police Department's 2007-2008 budget, under

the General Fund, Account Number 10070203. The balance of \$35,592 will be offset by new revenue. A new grant fund will be established upon approval by the City Council. No additional appropriation of funds is necessary.

(City Council) Accepted Grant Award of \$391,824 from the County of Orange for the Supplement Law Enforcement Services Fund (SLESF); Appropriated and Authorized the Chief of Police to Expend \$391,824 Plus Interest Accrued on Technology Associated With Patrol Related Equipment; and, Established a Business Unit for this Funding - 1) Accepted the Grant award of \$391,824 from the County of Orange SLESF for funding cycle year 2007/2008; and 2) Authorized the Chief of Police to expend \$391,824, plus any accrued interest on technology associated with patrol related equipment as described; and 3) Established a separate business unit for this funding; and 4) Appropriated \$391,824, plus any accrued interest to be expended on patrol related equipment. Submitted by the Chief of Police. **Funding Source:** No match will be required for this grant.

Consent Calendar Item Removed by Late Communication

Mayor Coerper announced the following item was pulled from the agenda and Council consideration by a late communication from the Director of Economic Development/ Deputy Executive Director to be considered at a future date uncertain.

(City Council) PULLED FROM AGENDA, NO ACTION TAKEN to approve the Huntington Beach Downtown Business Improvement District (BID) Annual Report for FY 2007-2008 BID Renewal; Adopt Resolution No. 2007-61, Declaring the City's Intention to Levy an Annual Assessment Within the Huntington Beach Downtown Business Improvement District (BID) for FY 2007-2008; and, Direct the City Clerk to Schedule a Public Hearing for October 1, 2007, and Notify Each Business to be Assessed and Provide Public Notification - 1) Approve the Huntington Beach Downtown Business Improvement District Annual Report for FY 2007-2008 BID Renewal; and 2) Adopt City Council Resolution No. 2007-61, "A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Levy an Annual Assessment for Fiscal Year 2007-2008 Within the Huntington Beach Downtown Business Improvement District"; and, 3) Direct the City Clerk to schedule a public hearing to be held on October 1, 2007, send copies of the Resolution of Intention, including the BID Boundary Map and assessment formula to each business to be assessed and publish same in a newspaper of general circulation as required. Submitted by the Director of Economic Development. Funding Source: Revenues and expenses are included in the 2007/08 Downtown Business Improvement District Budget (Fund 710.).

(City Council) Approved a City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC)

Communication from Councilmember Jill Hardy, Chair on behalf of Intergovernmental Relations Committee Members Councilmember Don Hansen and Councilmember Keith Bohr transmitting the following

Statement of Issue: Approved a City Council position as recommended by the City

Council Intergovernmental Relations Committee (IRC) on legislation pending before a federal, state, or regional government, thereby authorizing the Mayor to communicate the City's position to the elected members of the federal or state legislature, or regional body. **Funding Source:** Not Applicable.

A motion was made by Hardy, second Bohr to OPPOSE AB 414 (Jones) - Local Planning: Housing, as amended on 07-10-07. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council) Adopted Ordinance No. 3777 Amending Chapter 17.10 of the Huntington Beach Municipal Code Relating to Graffiti (Approved for Introduction August 20, 2007)

A motion was made by Hardy, second Green to after City Clerk read by title, Adopted **Ordinance No. 3777**, "*An Ordinance of the City of Huntington Beach Amending Chapter 17.10 of the Huntington Beach Municipal Code Relating to Nuisance/Graffiti*," by roll call vote. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

(City Council) Approved for Introduction Ordinance No. 3778 Amending Chapter 9.20 of the Huntington Beach Municipal Code Relating to Public Dressing

Communication submitted by the City Attorney transmitting the following

Statement of Issue: The City Council adopted **Ordinance No. 3773** which amended Chapter 9.20 of the Huntington Beach Municipal Code to add a section which specifically addressed public nudity. With the addition of this new section, certain parts of Chapter 9.20 are redundant and for the sake of clarity, should be deleted.

A motion was made by Hardy, second Cook to after City Clerk read by title, Approve Introduction of **Ordinance No. 3778**, "*An Ordinance of the City of Huntington Beach Amending Chapter 9.20 of the Huntington Beach Municipal Code Relating to Public Dressing*" by roll call vote. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None

City Council/Redevelopment Agency Items

(City Council) Submitted By Councilmember Carchio - Regarding Ongoing Allocation for Friends of Shipley Nature Center

Communication from Councilmember Carchio transmitting the following

Statement of Issue: Under Public Comments at the August 20, 2007, City Council Meeting, Connie Boardman represented the Friends of Shipley Nature Center and thanked the City Council for their continued support of the Friends' efforts at the Huntington Central Park Nature Center. The Friends, through their grassroots community effort, have made dramatic improvements to this facility. To assist them, two years ago the city funded \$30,000 for ongoing maintenance. Ms. Boardman indicated that the Friends need additional ongoing funding to maintain the Nature Center. At the July 16 Study Session at City Council Member Green's request, Council approved by straw vote to allocate an additional \$10,000 as one-time funding for the Nature Center. With the additional work the Friends have done in continuing the renovation of the site over the last two years, I feel that the city should allocate the additional \$10,000 on an ongoing basis. The Friends will use the funds to maintain these improvements. The Nature Center is a great example of a public/private partnership, and I believe the city should continue to support the efforts these volunteers have made in creating and preserving this gem for our community.

A motion was made by Carchio, second Green to approve an ongoing allocation of \$10,000 for the Friends of Shipley Nature Center to perform ongoing maintenance at the Huntington Central Park Shipley Nature Center. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, and Hardy
NOES: Hansen

Council Comments - (Not Agendized)

Councilmember Green announced that she and Chief of Police Ken Small attended and judged the Elk's Club Chili Cookoff for "They Will Surf Again" (Division of *Life Goes On* Non Profit organization). Funds of \$6,000 were raised to purchase wheelchairs for beach use.

Council/Agency Adjournment at 11:23 p.m., to Monday, September 17, 2007, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:



City Clerk-Clerk



Mayor-Chair